(8)

Single Bench

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 175 / 2005

Petitioner :

S.S.Sinha
S/o Late Shri R.B.Sinha,
Aged about 44 years,
Occupation Sub Engineer in Water Resourcers Department,
Government of Chhattisgarh
C/o M.R.P.W.M. Sub Division No.2 Bhatgaon, Tahsil Kurud
Dist : Dhamtari-(C.G.)

P.R. No. 162/05
Presented by Shri R.S.Sharma
dated 13.01.05

Versus

Respondents :

1. The State of Chhattisgarh
Through the Secretary
Dept. of Water Resources,
Mantralaya,
D.K.S.Bhawan, Raipur,
Dist : Raipur-(C.G.)

2. The Engineer in Chief,
Dept of Water Resources,
Government of Chhattisgarh,
Civil Line, Raipur-(C.G.)

3. The Chief Engineer,
Mahanadi River Project,
Dept, of Water Resources,
Government of Chhattisgarh,
Bhagat Singh Chowk, Raipur,
Dist : Raipur-(C.G.)

4. The Executive Engineer,
M.R.P.Division No.2,
Dept. of Water Resources,
Government of Chhattisgarh,
Rudri, Dist : Dhamtari-(C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT/WRITS IN THE NATURE OF MANDAMUS/ CERTIORARY AND / OR ORDER(S) AND /OR DIRECTION (S) IN THE NATURE OF WRITS

(32)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 175 OF 2005

Petitioner : S.S. Sinha

Versus

Respondents : State of Chhattisgarh & others.

Present:

None appears for the petitioner.

Shri V.V. S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the State.

O R D E R

(10th October, 2006)

1. In the present petition, the petitioner has challenged the impugned transfer order dated 11.11.2004 (Annexure P/1) submitting that the examinations of his children were due. Therefore, he should not be disturbed till May, 2005.

2. This Court, by order dated 24.3.2005, passed the interim order to maintain status quo as obtained on that day i.e. 24.3.2005. However, while granting status quo, it was made clear that the said this order of stay shall not continue beyond the month of May, 2005.

3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer

matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever, by Court orders. At this stage, it is not necessary to examine validity of the transfer order at this stage. In the facts of the case, the respondents are directed not to insist upon compliance of the impugned transfer order.

4. In view of the averments made in the writ petition, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu